

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

PWFG REO OWNER LLC,

No. C 12-02590 WHA

Plaintiff,

v.

RONALD JAMES BARBIERI,

Defendant.

**ORDER DENYING
DEFENDANT'S MOTION FOR
LEAVE TO FILE A MOTION FOR
RECONSIDERATION**

The Court has received pro se defendant Ronald Barbieri's letter dated September 27, 2012 (Dkt. No. 28). The letter requests that the order granting plaintiff's motion to remand "be rescinded." The Court construes this letter as a request for leave to file a motion for reconsideration. Pursuant to Civil Local Rule 7-9, a party seeking reconsideration must first file a motion requesting leave from the Court. "No party may notice a motion for reconsideration without first obtaining leave of Court to file the motion."

Defendant's letter states that the clerk's notice rescheduling the case management conference to September 27 "stated that [defendant] had not filed a Notice of Opposition to Remand." Defendant states that his opposition to the motion for remand was filed on July 27. Defendant called the clerk to give notice of the filing, and claims that "the clerk stated that occasionally some documents are overlooked." Defendant provides no further statements or arguments addressing the motion to remand or subsequent order granting the motion.

1 The order granting plaintiff's motion to remand considered the parties' briefs, including
2 defendant's opposition. For example, the order stated "[i]n his opposition brief, defendant
3 appears to concede that diversity jurisdiction is not an issue" (Dkt. No. 24 at 2). The order found
4 that federal subject-matter jurisdiction was lacking, as there was neither diversity nor federal-
5 question jurisdiction. Defendant has provided no reason that would require reconsideration of
6 the remand order. No showing has been made as required under Local Rule 7-9 regarding a
7 material difference in fact or law or a "manifest failure by the Court to consider material facts or
8 dispositive legal arguments which were presented to the Court" prior to the filing of the order.

9 Defendant's motion for leave to file a motion for reconsideration of the order granting
10 plaintiff's motion to remand is **DENIED**. As the action has already been remanded to the Superior
11 Court of California, County of Sonoma in accordance with the remand order, no further action
12 need be taken.

13
14 **IT IS SO ORDERED.**

15
16 Dated: October 3, 2012.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE